

RECEIVED
BY MAIL

12CV189
DWF/SER

JAN 25 2012

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Troy K. Scheffler,

Plaintiff,

v.

CIVIL COMPLAINT
JURY TRIAL DEMANDED

NCO Financial Systems, Inc.,

Defendant.

Case No.

COMPLAINT

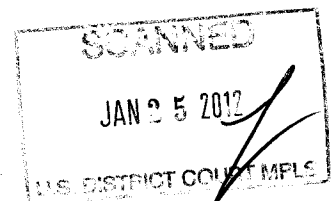
A. JURISDICTION

1. Plaintiff Troy K Scheffler is domiciled at 965 104th Ave. NW, Coon Rapids, Minnesota 55433.
2. Defendant NCO Financial Systems, Inc. is a United States Citizen in regards to this lawsuit, with its principal place of business in Pennsylvania.
3. This claim is brought to this court without regard to the amount in controversy under 15 U.S.C. § 1692k(d).

B. FACTS AND CAUSE OF ACTION

5. This suit is caused by numerous violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

Whereas:



6. Between the time of September, 2010 through on or about December 6th, 2011, Defendant did contact Plaintiff numerous times via telephone in conversation and voicemails.
7. In said contacts, Defendant on numerous occasions through their agent identified only as "Yolanda", intentionally failed to disclose their identity as a debt collector.

C. DAMAGES

8. The Defendant clearly and flagrantly refused to mend its ways showing a complete disrespect to the Plaintiff.
9. The Defendant's actions demonstrate disregard to the laws encompassing their collection practices.
10. Plaintiff is now suspect any time his phone rings with an unidentified or unfamiliar number.
11. The defendant's actions exacerbated plaintiff's existing disability of anxiety.
12. Defendant's prohibited conduct has caused Plaintiff emotional distress, anxiety and extreme frustration over being repeatedly contacted by Defendant.

TRIAL BY JURY

13. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT - 15
U.S.C. §1692e(11)**

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. The foregoing acts and omissions of Defendant constitutes multiple violations of the FDCPA, including but not limited to the above-cited provisions of the FDCPA, 15 U.S.C. § 1692e(11).

16. As a result of Defendant's violations of the FDCPA, Plaintiff has suffered and is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that relief be granted as follows:

- That an order be entered declaring that Defendant's actions as described above are in violation of the FDCPA, specifically and without limitation, 15 USC §§ 1692e(11);
- That judgment be entered against Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and (B);
- That the Court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- That the Court grant such other and further relief as may be just and proper.

D. REQUEST FOR RELIEF

1. **Wherefore**, Plaintiff requests he be allowed to commence this action without prepayment of fees and costs, or security therefore, pursuant to 28 U.S.C. § 1915.
2. The attached affidavit of indigency has been completed and is submitted in support of this request for leave to proceed in forma pauperis.
3. Plaintiff prays the court award Plaintiff attorney fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).
4. Plaintiff prays the court award Plaintiff for reasonable and customary costs, expenses, and interest in pursuit of this action.
5. Plaintiff prays the court order Defendant to implement new policies concerning debt collection practices and complaint procedures.
6. Any other relief deemed just and proper.

E. JURY TRIAL DEMAND

Plaintiff hereby requests a trial by jury on all claims so triable.

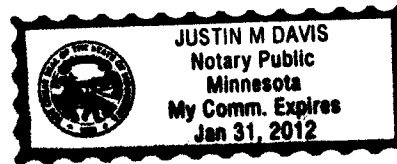
VERIFICATION

Having read the complaint in its entirety, plaintiff avers that the above statements are true to the best of plaintiff's present knowledge, upon such penalty that inures for making false statements.

Date: 01-24-2012


Troy K. Scheffler

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)



Subscribed and affirmed before me this 24th day of January, 2012.


Notary Public